

Listing of Claims:

1. (Currently Amended) A method for regulating the expression of an exogenous gene introduced into a cell ~~subject by a gene therapy~~ comprising the steps of:

- (a) ~~introducing~~ providing a gene promoter comprising a 900 base pair segment of c-myc promoter containing nCTCTn electromagnetic field response elements ~~into~~ fused to a HSP70 gene promoter heat shock responsive element ~~not having any electromagnetic field response elements in vitro;~~
- (b) ~~then~~ introducing the gene promoter from step (a) into the exogenous gene so that the promoter controls the expression of the exogenous gene;
- (c) ~~introducing the exogenous gene into the subject by the gene therapy; and~~
- (d) applying an electromagnetic field to the nCTCTn electromagnetic field response elements so as to thereby regulate expression of the exogenous gene introduced into the cell ~~subject by the gene therapy.~~

2-7. (Canceled)

8. (Original) The method as set forth in claim 1, wherein the electromagnetic field is applied at a field strength of about 8 $\mu$ T and a frequency of about 60Hz for a time of about 30 minutes.

9-12. (Canceled)

13. (Currently Amended) An expression vector comprising[[:]] a a

gene promoter comprising a 900 base pair segment of c-myc promoter containing nCTCTn electromagnetic field response elements fused to a HSP70 gene promoter heat shock responsive element not having (a) a nucleic acid whose expression is desired; and

~~(b) a promoter which permits the expression of the nucleic acid, wherein (i) the promoter does not comprise endogenous electromagnetic response elements, and (ii) the promoter comprises at least one exogenous nCTCTn electromagnetic response element which, when the expression vector is in a cell, regulates the expression of the nucleic acid by application of an electromagnetic field to the cell.~~

14-21. (Canceled)

22. (Currently Amended) A method for regulating the expression of a nucleic acid in a cell comprising applying an electromagnetic field to a cell having therein an expression vector comprising[[:]] a gene promoter comprising a 900 base pair segment of c-myc promoter containing nCTCTn electromagnetic field response elements fused to a HSP70 gene promoter heat shock responsive element

~~(a) the nucleic acid and~~

~~(b) a wherein the gene promoter which permits the expression of the nucleic acid, wherein (i) the promoter does not comprise endogenous electromagnetic response elements, and (ii) the promoter comprises at least one exogenous nCTCTn electromagnetic response element which, when the expression vector is in a cell, regulates expression of the nucleic acid by~~

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~~application of an electromagnetic field to the cell,~~  
so as to thereby regulate the expression of the  
nucleic acid in the cell.

23-29. (Canceled)

30. (Previously Presented) The method in claim 22, wherein the  
electromagnetic field is applied at a field strength of  
about  $8\mu\text{T}$  and a frequency of about 60Hz for a time of about  
30 minutes.